



Fall 2019

From the License Division Desk

Happy autumn to all our readers! In this issue of the License Division's quarterly newsletter, you will find:

- Important regulatory updates for secondhand dealers, pawnbrokers, precious metal and gem dealers, centers for visual and performing arts, transient merchants, and direct sellers. If you hold a City license and haven't made our "brief" column a must-read, this is the issue to get started! Visit page 2 to dig in.
- A conversation with a Special Agent from the Alcohol & Tobacco Enforcement Unit at the Wisconsin Department of Revenue. You will want to check out page 3 if your business sells vapor or alcohol products
- As always, our Ask Andy column and a list of recent disciplinary actions can be found on page 4.

Finally, I want to take a moment to promote our Pivot Program. Wrapping up its fourth year, our Pivot workshops bring together various city and state departments to help you navigate City government. We've received a lot of positive feedback, and in 2020, we plan to implement some suggested improvements to the program, including the addition of a small resource fair. The full 2020 schedule and information on how to sign up can be found at [Milwaukee.gov/Pivot](https://milwaukee.gov/Pivot).

Jessica Celella
License Division Manager

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Briefs *New and important information you need to know.*

City Code Changes

- **File # 170183:** Makes numerous changes to code provisions regulating waste tires, including:
 - * Stipulates costs incurred to remove legally-dumped tires be assessed to the dumper.
 - * Requires periodic inspection of the premises of each waste tire generator by the department of neighborhood services.
 - * Requires waste tires on the premises of a licensed recycling, salvaging or towing business be permanently marked with the letters "RST" and the licensee's license number before leaving the premises, not later than 5 working days after receipt on premises.
 - * Requires waste tire generators use only city-licensed waste tire transporters to transport waste tires.
 - * Stipulates records kept by waste tire generators and waste tire transporters include the quantities of tires picked up and delivered to waste tire disposers.
 - * Requires licensee tire disposition records be submitted to the department of neighborhood services 60 days prior to each anniversary of license issuance.
- **File # 190472:** Establishes a fee structure based on capacity for centers for visual and performing arts and removes the minimum stage size requirement of 1,200 sq. ft.. Provides a requirement that all-ages performances are subject to curfew limitations for underage patrons.
- **File # 190796:** Reorganizes various chapters of the code pertaining to secondhand and mobile sales into one chapter, corrects errors, clarifies language and eliminates obsolete provisions.

This ordinance also consolidates several license types into two "umbrella" licenses. Specifically, this ordinance combines:

1. Pawnbroker's, secondhand dealer's, and precious metal and gem dealer's licenses into one "secondhand dealer's" license.
2. Direct seller's (including door-to-door solicitors) and transient merchant's licenses into one "mobile seller's" license.

State Law Changes

- **2019 Wisconsin Act 9:** Effective October 1, 2019, Wisconsin law imposes an excise tax on vapor products received by distributors in Wisconsin. A distributor includes an out-of-state business that sells vapor products to retailers in Wisconsin, and a business that sells untaxed vapor products at retail in Wisconsin who brings, or causes to be brought, such products into Wisconsin.

Who are we?

The License Division is a branch of the Common Council-City Clerk's Office. We process applications for over 50 different licenses and permits, and assist the Common Council in its deliberations regarding license matters.

The License Division can assist you with questions like: Do I need a license? What does my license allow? What is the status of my license?

More information is available on the License Division website at milwaukee.gov/license.

Tell us what you think!

We love getting feedback about this and other License Division content. Whether you have questions or suggestions, would like to contribute to a future newsletter or just feel like sending us a digital high-five, you can provide feedback using our [online survey](#) or at any of our social media pages.



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Licensing Notes

Soundbites

A Conversation With: Georgeann King

We recently sat down with a Special Agent from the Alcohol & Tobacco Enforcement (ATE) Unit at the Wisconsin Department of Revenue to talk current events. Below is an excerpt of the conversation.

Editor: It's my understanding the ATE Unit conducts investigations at licensed alcohol businesses in Milwaukee. What do you look for during these checks?

GK: *The main things we look for are: licenses posted for public view; proper supervision of the establishment by a licensed operator (bartender); contamination of alcohol beverages (i.e. insects, broken pour spouts, other debris); refilled and diluted liquor bottles (where one bottle of liquor is poured into another bottle of liquor); presence of underage individuals, and finally that purchase invoices for alcohol beverages are maintained according to law on the licensed premises.*

Editor: What are some common violations?

A common violation we encounter are retailers (bars, restaurants, convenience stores) purchasing alcohol beverages from unauthorized sources. Retailers are required to purchase alcohol beverages from permitted wholesalers. Retailers cannot buy alcohol beverages from grocery stores, liquor stores or warehouse clubs. If we find this violation, the illegal product may be confiscated from the business. Another common violation is failure to have proper supervision by a licensed operator (bartender) on the licensed premises. It is important for retail licensed premises to ensure they have enough employees with operator's licenses to adequately supervise all sales and service of alcohol beverages occurring anywhere on the licensed premises.

Questions about alcohol laws? www.revenue.wi.gov/Pages/AlcoholBeverage/home.aspx

Editor: A recent state law change affects vapor products and imposes a tax. Can you explain this?

GK: *Great question! Yes, absolutely. Effective October 1, 2019, the liquid, gel or other substance used in e-cigarettes is subject to Wisconsin excise tax. The tax rate is 5 cents per milliliter of liquid or other substance heated to produce vapor for inhalation, regardless of whether the liquid or other substance contains nicotine. Equipment and devices not containing the liquid or other substance are not subject to the tax.*

Businesses subject to this tax include any business selling or shipping untaxed vapor products in Wisconsin. The tax is primarily owed by distributors, but may also be owed by manufacturers that sell to retailers, and retailers that purchase untaxed vapor products for sale to consumers. Obviously this tax affects many businesses in the city of Milwaukee.

Questions about Vapor Products tax? <https://www.revenue.wi.gov/Pages/Businesses/Tobacco.aspx>

Upcoming License Committee Meetings:

- November 12
- December 3
- January 7
- January 28
- February 19

For Applicants:

Some licenses may be approved by your local Council Member, but many require a License Committee hearing. A hearing may be scheduled if there is a change to your license, an objection was filed or there was certain police activity involving your premises. Keep this in mind and plan ahead!

The License Committee generally meets every three weeks, except for the month of August, when no meetings are scheduled. In general, expect to wait 6 to 8 weeks for your license to be granted and issued.

For Community Members:

Your voice matters! Your appearance at licensing hearings is a critical factor in all licensing decisions.

If you cannot attend a hearing, but would like to communicate your support or objection to a pending license, email your local Council Member.

Upcoming Events

Pivot Workshops

Do you operate a tavern, restaurant, liquor store, or convenience store? Register for a free Pivot Workshop online at PivotMKE.eventbrite.com!

2019 Pivot Schedule

Tuesday, October 29
9 a.m. to 11 a.m.
Lake Tower, 3rd Floor
4001 S. 6th Street

2020 Pivot Schedule

Dates and locations coming soon!



Directory

City Clerk's Office License Division

City Hall Room 105
200 E. Wells Street
Milwaukee, WI 53202

Phone: (414) 286-2238
Email: license@milwaukee.gov

Common Council

(414) 286-2221

Licensing Committee

- Ald. Nic Kovac (Chair)
- Ald. Milele A. Coggs (Vice Chair)
- Ald. Chantia Lewis
- Ald. Nikiya Dodd
- Ald. Scott P. Spiker

MPD License Investigation Unit

(414) 935-7430

Department of Neighborhood Services

(414) 286-2268

Health Department

(414) 286-3674

Wisconsin Department of Revenue, Alcohol and Tobacco Enforcement Unit

(608) 266-2772

Dear Andy *Letters to the License Division desk.*



Q Dear Andy,

My spouse and I tried out a new restaurant the other night, and on our walk back to the car, I noticed that patrons in a nearby bar were smoking hookahs. I used the City's handy [license search tool](#) to look up the business, and they don't currently hold a Tobacco License. What gives? I thought there was an indoor smoking ban in Wisconsin?

**Sincerely,
Close, but no Cigar**

A Close, but no Cigar,

You are correct that the State of Wisconsin has banned smoking in all indoor public places. However, a handful of existing Milwaukee businesses were "grandfathered" in when the ban took effect in June 2009. In addition, certain tobacco-free and nicotine-free hookahs can be "smoked" inside businesses as long as the management approves. A Cigarette/Tobacco License is not required if this is the only product sold on site, and persons under the age of 18 can purchase and "smoke" the product.

If you suspect a business is in violation of Wisconsin's smoke-free law, you can file a complaint with the [Wisconsin Department of Health Services](#). You may also want to check out our [Clerk Notes video on problem taverns](#).

**Sincerely,
Andy**

Recent Disciplinary Actions

License suspensions and revocations

- **35th Hometown:** 3381 N. 35th St. [File #190436](#): Nonrenewal (Extended Hours, Food Dealer, Filling Station and Weights & Measures Licenses)
- **All For Us:** 3500 W. Fond Du Lac Ave. [File #190305](#): 10-Day Suspension (Class A Malt and Food Dealer Licenses)
- **Anthony Katchever:** 2424 W. Kilbourn Ave. [File #190436](#): Nonrenewal (Rooming House License)
- **Gold Diggers Milw:** 4750 N. Hopkins St. [File #190436](#): 10-Day Suspension (Class B Tavern and Public Entertainment Licenses)
- **Three Brothers Plus:** 4326 W. Burleigh St. [File #190436](#): 10-Day Suspension (Food Dealer License)
- **Trio:** 1023-27 N. Old World Third St. [File #190436](#): 10-Day Suspension (Class B Tavern, Food Dealer, Public Entertainment and Sidewalk Dining Licenses)
- **Wright & Save Food:** 2478 N. 38th St [File #190436](#): 60-Day Suspension (Food Dealer License)